

# **Exhibit B**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This Document Relates to:**

***Town of Bennington; Town of Brattleboro;  
and Town of Sharon, Vermont v.  
Mallinckrodt PLC, et al, Case No. 1:19-op-  
45791-DAP (N.D. Ohio)***

**MDL No. 2804**

**Case No. 17-MD-2804-DAP**

**Judge Dan Aaron Polster**

**[PROPOSED] ORDER**

Plaintiffs have moved for leave from this Court's moratorium on substantive filings [Dkt 4; Dkt 70; Dkt 130] so that they may move to sever and amend their operative pleading. For good cause shown, the Motion for Leave is GRANTED.

Plaintiffs have additionally moved pursuant to Rule 21 of the Federal Rules of Civil Procedure to sever their claims against the PBM Defendants from their claims against the Non-PBM Defendants. Upon review of the Plaintiffs' Motion and oppositions thereto, and for good cause shown, including that judicial efficiency will be enhanced and no party will be unduly prejudiced, the Motion to Sever is GRANTED. Plaintiffs' claims against the Express Scripts and Optum Defendants (as defined in the Plaintiffs' amended complaint) shall be severed for purposes of discovery and trial from the Plaintiffs' claims against the Non-PBM Defendants.

Finally, Plaintiffs have moved pursuant to Rule 15 of the Federal Rules of Civil Procedure to amend their operative pleading based upon information discovered during review of certain documents produced in discovery. As noted above, Plaintiffs' case has been subject to a moratorium on new filings. Discovery has not yet commenced, and no trial date has been set. Leave to amend should be liberally granted, the Plaintiffs have not engaged in undue delay given

all the circumstances, and no party will be unfairly prejudiced. In consideration of Rule 15 and applicable authority, for good cause shown, and having reviewed Plaintiffs' Motion and oppositions thereto, Plaintiffs' Motion to Amend is GRANTED.

The Clerk shall file the Plaintiffs' amended pleading attached as Exhibit A to their Motion among the papers in this case. The PBM Defendants shall have thirty (30) days from the date of this Order to file responsive pleadings, except that any newly-added party's responsive pleading deadline shall be calculated in accordance with the Federal Rules of Civil Procedure as applicable to newly-filed and served actions.

It is so Ordered.

ENTER: \_\_\_\_\_  
U.S. District Court Judge Dan Aaron Polster